THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :10307 of 2006

DATED:12-03-2007

BETWEEN:

Kota Narasimharao & another.

..... PETITIONERS

AND

The Joint Collector,
Kadapa,
Kadapa District & another.

.....RESPONDENTS

-
-
-
-
-

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the seizure of 340 bags of rice (each bag containing 50 Kgs) by the 2nd respondent on 05-05-2006 from the lorry bearing No.AP-04V-1102, 5/155, Kondayapalli-Ukkayapalli road, Chinna Chowk, Kadapa, as illegal and arbitrary.

3. It is the case of the petitioner that on 05-05-2006 the Sub-Inspector of Police, Chinna Chowk police station of Kadapa District, seized the stationed lorry bearing No.AP-04V-1102 with 340 plastic gunny bags (each 50 kgs) containing emblem as 'Cow brand Kota Special Deluxe Millet Sona Masoori' rice under cover of panchanama. The said 340 bags of rice and the lorry were seized on the allegation that the said rice was misbranded and being transported to Bombay with a view to cheat the purchasers misrepresenting that the rice is of the fine quality (Sona masoori) though the rice is raw rice of common group with common standards. It is stated that the 2nd respondent registered Cr.No.86 of 2007 for the offence punishable under Section 7(1) of the Essential Commodities Act (for brevity, 'the Act') and the accused were arrested and later they were released on bail and as per Section 6 of the Act, the 340 seized bags, weighing 170 quintals, were handed over to the Mandal Revenue Officer, Kadapa for issuance of

confiscation proceedings.

4. Counter has been filed stating that pursuant to the interim direction granted by this Court on 30-05-2006 in W.P.M.P.No.12965 of 2006 the said lorry was released on furnishing a personal bond for a sum of Rs.2,00,000/- with two sureties for a like sum each to the satisfaction of the Station House Officer, Chinna Chowk, Kadapa District, but so far, the seized goods were not released as 6-A proceedings are pending before the Joint Collector, Kadapa District.

5. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents to release the said seized goods on furnishing the bank guarantee for half of the value of the seized goods and on executing a personal bond for the remaining 50% of the value of the seized goods to the satisfaction of the Mandal Revenue Officer, Kadapa, which will be subject to the result of the proceedings under Section 6-A of the said Act.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH, J

12th March, 2007
Tsy